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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/585,811	05/31/2000	Daniel Joseph Melchione	NAI11P004/00.006.01	4296

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EXAMINER

GURSHMAN, GRIGORY

ART UNIT	PAPER NUMBER
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2132

DATE MAILED: 06/17/2004

15

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary

Application No.

09/585,811

Applicant(s)

MELCHIONE, DANIEL JOSEPH

Examiner

Grigory Gurshman

Art Unit

2132

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 4/01/03.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 May 2000 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Drawings

1. The drawings are objected to because in Fig.1 letters do not fit within the parameters of the functional units. A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 101

2. Claims 7, 10, 21, 23 and 25 are rejected under 35 U.S.C. 101 because the instant claims are drawn to the computer program products and the computer codes. The computer program products and the computer codes not claimed as embodied in computer-readable media are descriptive material per se and are not statutory because they are not capable of causing functional change in the computer.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

2. Claims 1 – 21 and 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Ranger (U.S. Patent No. 6,393,568 B1).

3. Referring to the instant claims, Ranger discloses a system with content analysis provision (see abstract and Figs. 1 and 3). Ranger teaches providing content analysis through a content inspection mechanism, such as detection of a computer virus using a virus detection algorithm based on determining whether digital input information is encrypted. The content inspection mechanism analyzes decrypted content for such things as virus patterns, keywords, unknown program format, or any other content based criteria. The system generates a decryption request to decrypt encrypted digital input information prior to applying content analysis, such as virus detection. In response to the decryption request, the system decrypts the encrypted information prior to content analysis such as virus detection and applies a content analysis application, such as a virus detection algorithm (see abstract).

4. Referring to the independent claims 1, 7, 13, 19, 21, 28, the limitation "identifying a process for accessing files" is met by the content analysis through a content

inspection mechanism (see column 2, lines 25 – 28 and unit 18 in Fig 3). Ranger teaches that the content inspection mechanism analyzes content for such things as virus patterns, keywords, unknown program format, clearance labels or any other content based criteria. The actions are selected based on the result of the inspection for example removal of a detected virus, filtering out programs of unknown format or non-approved formats, flagging files containing specific key words for additional scrutiny, or other desired action (see column 2, lines 28-38), which meets the limitation “selecting virus detection actions based at least in part on the process”. The limitation “performing the virus detection actions on the files” is met by blocks 42 and 44 in Fig.2 .

5. Referring to claims 19 - 21, the limitation “ identifying a first aspect of the system; identifying a second aspect of the system “ is met by determining whether digital input information is encrypted (see column 2, line 29) and applying content analyses to decrypted information.

6. Referring to claims 2, 8 and 14, Ranger teaches that the use of cryptographic application and virus detection application, which meet “executable files” recited in the instant claims.

7. Referring to claims 5, 11 and 17, Ranger teaches determining whether digital input information is encrypted (see column 2, line 29), which meets the limitation “ a file signature associated with the process”.

8. Referring to claim 28, it is inherent for a virus scanning systems to prevent downloading of the infected files.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 22-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ranger (U.S. Patent No. 6.393.568 B1) in view of Ji (U.S. Patent No. 5.623.600).

9. Referring to the instant claims, Ranger discloses a system with content analysis provision (see abstract and Figs. 1 and 3). Ranger teaches providing content analysis through a content inspection mechanism, such as detection of a computer virus using a virus detection algorithm based on determining whether digital input information is encrypted. The content inspection mechanism analyzes decrypted content for such things as virus patterns, keywords, unknown program format, or any other content based criteria. While Ranger teaches analyzing the files for key words or patterns, he does not explicitly teach analyzing the extensions of the file.

10. Referring to the instant claims, Ji discloses a virus detection and removal apparatus (see abstract). Ji teaches determining whether the file to be transferred is of a type that can contain viruses. This step is preferably performed by checking the extension of the file name. For example, .txt, .bmd, .pcx and .gif extension files indicate that the file is not likely to contain viruses while .exe, .zip, and .com extension files are of the type that often contain viruses (see column 7, lines 35-40).

11. Therefore, at the time the invention was made, it would have been obvious to one of ordinary skill in the art to modify the content analyzer of Ranger by adding the functionality for checking the file extensions as taught in Ji. One of ordinary skill in the art would have been motivated to modify the content analyzer by adding the functionality for checking the file extensions as taught in Ji for scanning the files for viruses (see Ji abstract).

12. Referring to claims 22 and 23, while Ji does not explicitly teach that .jpg type files may contain viruses, he does not include .jpg type files in the list of file extensions not likely to contain viruses. The limitations of claims 22 and 23 are met by teachings of Ji, since scanning for the .jpeg type files is one of number of possible file extensions.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Grigory Gurshman whose telephone number is (703) 306-2900. The examiner can normally be reached on 9 AM-5:30 PM.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on (703) 305-1830. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

GG



Grigory Gurshman
Examiner
Art Unit 2132



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